

## **REMARKS**

Prior to entry of the present Amendment, Claims 1-20 are pending. By this Amendment, claims 1, 11-12 and 19-20 are amended, and claims 21-23 are added. No new matter is added.

### **Claim Rejections under 35 U.S.C. §103(a)**

Claims 1-20 are rejected as being unpatentable over various combinations, specified below, of Brazilian Patent No. 6,801,820 ("Semier"), U.S. Patent No. 6590166 ("Yoshida"), U.S. Patent No. 6,825,425 ("Perry"), U.S. Patent No. 5,612,515 ("Eisen"), U.S. Patent No. 6,576,849 ("Bliss"), U.S. Patent No. 6,038,465 ("Melton"), and U.S. Patent No. 5,878,376 ("Schurr").

Reconsideration of the rejections is respectfully requested.

### **Claims 1-11 and 21**

Claims 1 and 5 are rejected as being unpatentable over Semier in view of Yoshida and Perry. Claims 1, 2, and 4-6 are rejected as being unpatentable over Perry in view of Yoshida. Claim 3 is rejected as being unpatentable over Perry and Yoshida and further in view of Eisen. Claim 7 is rejected as being unpatentable over Perry and Yoshida and further in view of Bliss. Claims 8, 10, and 11 are rejected as being unpatentable over Perry and Yoshida and further in view of Melton. Claim 9 is rejected as being unpatentable over Perry, Yoshida, and Melton and further in view of Schurr.

Claim 1 recites a medical scale including at least two spaced apart pillars coupled to and extending upwardly from a base, the pillars being spaced apart a distance to receive a portion of a person supported by a support device between the two pillars, and a user interface supported by the pillars and in communication with load cells, the user interface being adjustable about a horizontal axis and about a vertical axis while supported by the pillars.

As acknowledged by the Examiner, Semier does not appear to teach or suggest a scale including a user interface being adjustable about a horizontal axis and about a vertical axis. As also acknowledged by the Examiner, Perry does not appear to teach or suggest a scale including a user interface being adjustable about a horizontal axis and about a vertical axis. However, the Examiner contends that Yoshida discloses that it is known to provide a scale with a removable, wireless user interface (display device 2), enabling the user to adjust and rotate the interface as he/she sees fit. Claim 1 specifies that the user interface is adjustable about a horizontal axis and about a vertical axis while supported by the pillars. In contrast, Yoshida only enables adjustability in the display's orientation when completely removed from the body 1 of the scale.

For at least this independent reason, Semier, Perry and Yoshida, alone or in combination, do not teach or suggest the subject matter defined by independent claim 1.

Accordingly, claim 1 is allowable. Dependent claims 2-11 and new dependent claim 21 depend from allowable claim 1 and are allowable for at least the same and other independent reasons.

#### Claims 12-19 and 22

Claims 12-15 are rejected as being unpatentable over Perry and Yoshida and further in view of Bliss. Claims 16-19 are rejected as being unpatentable over Perry, Yoshida and Bliss and further in view of Melton.

Claim 12 recites a medical scale including at least two spaced apart pillars coupled to and extending upwardly from the base, the pillars being spaced apart a distance to receive a portion of a person supported by a support device, and a user interface supported by the pillars and adjustable about a horizontal axis and about a vertical axis while supported by the pillars.

As acknowledged by the Examiner, Perry does not appear to teach or suggest a scale including a user interface being adjustable about a horizontal axis and about a vertical axis. However, the Examiner contends that Yoshida discloses that it is known to provide a scale with a removable, wireless user interface (display device 2), enabling the user to adjust and rotate the interface as he/she sees fit. Claim 12 specifies that the user interface is adjustable about a horizontal axis and about a vertical axis while supported by the pillars. In contrast, Yoshida only enables adjustability in the display's orientation when completely removed from the body 1 of the scale.

For at least this independent reason, Perry, Yoshida and Bliss, alone or in combination, do not teach or suggest the subject matter defined by independent claim 12. Accordingly, claim 12 is allowable. Dependent claims 13-19 and new dependent claim 22 depend from allowable claim 1 and are allowable for at least the same and other independent reasons.

#### Claims 20 and 23

Claim 20 is rejected as being unpatentable over Perry and Yoshida and further in view of Bliss and Melton.

Claim 20 recites a medical scale including a user interface supported by the pillars and adjustable about a horizontal axis and about a vertical axis, the user interface communicating with the load cells and an external network, the user interface selectively diagnosing whether each load cell is functioning properly, a non-properly functioning load cell being individually replaceable, the user interface selectively receiving and reading an incoming software update from the network and writes the software update to a memory of the user interface, the user interface communicating information regarding the person being weighed to a remote device via the network, the user interface further including a card scanner adapted to receive a user identification card, the card scanner configured to read information from the user identification

card about the person being weighed and to communicate the information about the person being weighed to the user interface.

The Examiner suggests modifying the device of Perry with the features of Bliss (i.e., load cell diagnostics and failure prediction) and Melton (i.e., being connected to a remote device via a network). Although, Melton is directed to a system and method for remote monitoring of a "designated user", including an integrated scale able to weigh the current user and determine whether the current user is the "designated user", the disclosure of Melton appears to be limited to "scanning" a user with sound waves via an acoustic transducer 34 in the platform 18 to identify the user. Thus, there is no apparent teaching or suggestion of a card scanner adapted to receive a user identification card.

For at least this independent reason, Perry and Yoshida and further in view of Bliss and Melton, alone or in combination, do not teach or suggest the subject matter defined by independent claim 20. Accordingly, claim 20 is allowable. New dependent claim 23 depends from independent claim 20 and is allowable for at least the same and other independent reasons.

#### New Claims 21-23

New dependent claims 21-23 depend from claims 1, 12, and 20, respectively. Each of these claims is directed to structure of an adjustable interface mounting assembly positioned between the pillars and the user interface. Applicants respectfully submit that these new claims to further distinguish the invention from the prior art.

#### CONCLUSION

In view of the foregoing, Applicants respectfully request entry of the present Amendment and allowance of claims 1-23.

The undersigned is available for further telephone consultation during normal business hours at the below-identified telephone number.

Respectfully submitted,



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